

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:15-CR-00077-RJC

USA

v.

ABIOLA O. OGinni

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ORDER

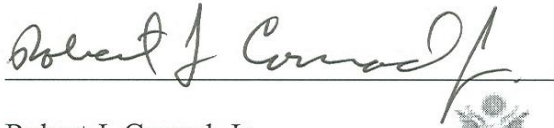
**THIS MATTER** is before the Court upon remand from the United States Court of Appeals for the Fourth Circuit for additional proceedings. (Doc. No. 185: Opinion and Judgment). The Court previously ordered the parties to file supplemental briefing addressing the issue of the defendant's ability to pay restitution and the schedule according to which restitution is to be paid, including whether an evidentiary hearing is requested. (Doc. No. 187).

The United States does not request an evidentiary hearing, and would not oppose a payment schedule, but argues the defendant should be required to submit a current financial statement to demonstrate an inability to pay restitution in full immediately. (Doc. No. 188: Gov't Response at 2). The defendant also does not request an evidentiary hearing, but refers to financial affidavits completed in 2015, the Presentence Report filed in 2016, and assertions about his post-incarceration financial status. (Doc. No. 189: Def. Response at 2-3). The Court finds that the record before it is insufficient to make a factual finding about the defendant's current ability to pay restitution.

**IT IS, THEREFORE, ORDERED** that the defendant shall file a financial affidavit within fourteen (14) days of the entry of this Order, or this matter will be set for an evidentiary hearing.

The Clerk is directed to certify copies of this Order the defendant, defendant's counsel, the United States Attorney, the United States Marshals Service, the United States Probation Office, and the Clerk of the United States Court of Appeals for the Fourth Circuit.

Signed: September 1, 2017

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

